

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

4/16/2007 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 01-00160SOM
CASE NAME: USA vs. (04) Joseph Pajardo
ATTYS FOR PLA: Michael Kawahara
ATTYS FOR DEFT: 04 Glenn Choy
Ellie Asasaki (USPO)

JUDGE:	Susan Oki Mollway	REPORTER:	Debra Chun
DATE:	4/16/2007	TIME:	2:20 - 3:40

COURT ACTION: EP: Resentencing -

Defendant (04) Joseph Pajardo present and in custody.

Discussion held re: defendant's objections re: calculation of drug amounts, gun enhancement, and denial of safety valve, etc.

Allocution by Defendant.

Because the sentencing guidelines are now advisory, and not mandatory, Court adjusts the sentence previously imposed to address disparity.

ADJUDGED:

Imprisonment: 197 Months as to each of Counts 1, 7, and 8 and 48 Months as to Count 3, with all such terms to be served concurrently.

Supervised Release: 5 Years as to each of Counts 1, 7, and 8 and 3 Years as to Count 3, with all such terms to be served concurrently.

Special Assessment: \$400.00 (\$100 as to each count).

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
- ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
- ▶ That the defendant not possess illegal controlled substances (mandatory condition)
- ▶ That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ▶ That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision, unless there is a positive drug test, in which event the maximum shall increase to up to one valid drug test per day.
- ▶ That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ▶ That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
- ▶ That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
- ▶ That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Defendant advised of his right to appeal.

JUDICIAL RECOMMENDATION: If and when the defendant is eligible, he be placed in a minimum security facility, such as a camp.

Defendant remanded to the custody of the USM.

Mittimus forthwith.

Submitted by: Toni Fujinaga, Courtroom Manager.